

Joseph Aruanno, # 363
Special Treatment Unit, South
P.O. Box 905, Avenel, New Jersey 07001-0905

U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
RECEIVED

October 20, 2016

2016 OCT 24 P 3:49

JOSEPH ARUANNO, Dist. Ct. No. ~~04-3066~~
District Court of New Jersey
Consolidated with Bagarozy v. Harris

01-789 SD

Sir:

As you know by the years of mailings, phone calls, etc., complaining of the lack of action and continuing civil rights violations and crimes, such as, violence and bloodshed, sexual assaults, etc., which you condoned to the degree of accomplice, mainly Ian Marx, through numerous contacts, such as a written contract by Ian Marx and years of verbal promises, including the attached Affidavit by the lead Plaintiff Bagarozy, beginning with your appointment since 2005 and then even more since the settlement during 2012, you promised to focus on the DOC issues and now where in light of your total contempt we **DEMAND** that you remove yourself from this case **NOW!** And that you submit the motion for substitute counsel as you had stated.

In addition, the harm that has been caused to the plaintiffs, a tangible injury is sustained by my family as well.

Just as appalling, you take advantage of mentally challenged plaintiff contacts, such as, J. Simons and others, with years of promises which they believe in, which as morally defective as it is ethically defective, which has us contemplating ethics complaints against you as well as a class-action lawsuit, among any and all other avenues available to us.

In closing, I ask that you reply to both Bagarozy and myself at the address above.

Please govern yourself accordingly.



JOSEPH ARUANNO

Richard Bagarozy
STU-Annex
P.O. 905
Avenel, NJ 07001

October 7, 2016

Re: Bagarozy, et al. v. Harris, et al.; 04 cv 3066
Alves/McGarry, et al. v. Ferguson, et al.; 01 cv 0789

Affidavit of Richard Bagarozy

I, Richard Bagarozy, being of age, sound mind, and duly sworn upon my oath, depose and say:

I am a plaintiff in the above captioned matters and the lead plaintiff in Bagarozy vs. Harris which had been joined to Alves vs. Ferguson against plaintiffs opposition.

A number of years ago, a settlement had been reached in Alves vs. Ferguson by plaintiffs in that action (Mr. Alves, Mr. Sessoms and Mr. Culbreth) allegedly agreeing to the settlement even though some of those plaintiffs asserted challenges to it. Additionally, plaintiffs of Bagarozy vs. Harris objected to the settlement.

The settlement, however, dealt solely with the matter of the treatment provided at the Special Treatment Unit ("STU") under the Department of Human Services ("DHS"). The matter of the living conditions at the STU under the Department of Corrections ("DOC") was not included and was specifically left by the Court (and so stated in the settlement opinion) to be addressed upon resolution of the matter of treatment. So the court's approval of the settlement immediately opened the door for the living conditions to be addressed in a timely manner.

Attorney Ian Marx of Greenberg Traurig had been assigned by the Court to represent the plaintiffs in Bagarozy vs. Harris. Accordingly, upon the Court's approval of the settlement in Alves vs. Ferguson, Bagarozy plaintiffs reached out to attorney Marx to now make a timely challenge of these conditions as advised by the Court. Mr. Marx repeatedly promised to do so. However, to this date, years later, Mr. Marx has not acted upon his numerous verbal promises.

Finally, several years ago, Mr. Marx, agreed that he would at least submit a motion asking the Court to assign new counsel to prosecute the condition issues on our behalf. Again, Mr. Marx never followed through on his numerous verbal promises.

Over the course of this period, Mr. Marx left a record of his verbal commitments on my voice mail which is available to the Court upon request. The length of time that has been wasted (my guess is about five [5] years) demonstrates conduct by Mr. Marx that goes beyond negligence and borders on the verge of willful maliciousness.

Below is a log of the phone calls by Mr. Marx that are preserved on my voice mail and which is available to the Court by way of three party call, if needed:

Aug 10, 2015: "I'm back from the Summer, I'll have motion out within a week."

September 22, 2015: "I plan to get the motion out by Oct. 3 at the very latest."

November 6, 2015: "We moved our office to 500 Campus Drive. Motion will be out this week."

November 19, 2015: "I'm continuing to work on the motion. I will work on it this week and over the weekend. It will be out before thanksgiving."

December 8, 2015: "Motion will be out this week. Call me for update tomorrow."

December 23, 2015: "I've been having trouble with a pinched nerve. Motion will be out this week or immediately after New Year."

January 15, 2016: Will work on motion over weekend. Will be out next week."

February 22, 2016: "I'm feeling better. I'll have it out this week."

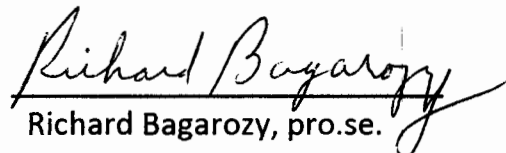
April 22, 2016: "Struggling with herniated disc. Hopefully within a week."

Between these dates, numerous calls to Mr. Marx were never accepted or returned, and calls to his employer at the Greenberg Traurig's Florida Office did not result in any action by Mr. Marx.

At this point, we have not heard from Mr. Marx since August 10, 2016, and I assert that as of this date, no motion for new counsel and no motion addressing conditions under DOC been submitted. This lack of action by Mr. Marx has caused us incalculable harm.

I swear that all the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: October 7, 2016


Richard Bagarozzy, pro.se.

J. Aruanno
P.O. Box 905
Avenel, NJ
07001

U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
RECEIVED

2016 OCT 21 P 3:49

RECEIVED

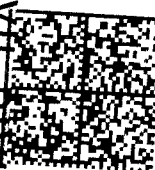
CLERK'S OFFICE, CIVIL DIVISION
U.S. DISTRICT COURTHOUSE

50 WALNUT STREET

P.O. BOX 999

NEWARK, NJ 07101

1000 THOMAS
21 OCT 16
PM 3:49



02 1P
0004684664
OCT 21 2016
MAIL FROM ZIP CODE 07001

\$ 000.465

PITNEY BOWES

07101-099999

